SMB 7/29/08

FILED

2008 JUL 30 AM 11: 19

CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

BY ______ DEPUTY

'08 MJ 2336

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, vs. Angelica GAXIOLA Defendant.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about July 29, 2008, within the Southern District of California, defendant Angelica GAXIOLA did knowingly and intentionally import approximately 122.95 kilograms (270.49 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21,United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30TH, DAY OF JULY 2008.

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

SmB
7/30/08

STATEMENT OF FACTS

This statement of facts is based on the reports, documents, and notes furnished to US Immigration and Customs Enforcement Special Agent Joe Morquecho.

On July 29, 2008 at approximately 1310 hours, Angelica GAXIOLA, Frances Gaxiola, Jessica Gaxiola, and Roy Sumrall entered the United States at the Calexico, California, West Port of Entry. A. GAXIOLA was the driver of 2008 Chrysler Town and Country van. Canine Enforcement Officer (CEO) Jones was conducting preprimary operations with his assigned Narcotic and Human Detector Dog (NHDD). CEO Jones noted that his NHDD alerted to the vehicle. A. GAXIOLA, the passengers and the vehicle were referred to the vehicle secondary lot.

Customs & Border Protection Officer Garcia was assigned to the vehicle secondary lot. Officer Garcia received a negative oral Customs Declaration from A. GAXIOLA. A. GAXIOLA stated that she had been in Mexico for a doctor's appointment and that she was returning home to Indio, CA. A subsequent inspection of the vehicle revealed 33 packages in the floor, quarter panels and door of the vehicle. Officer Garcia probed one of the packages and a sample of a green leafy substance was obtained, which field tested positive for marijuana. The 33 packages had a combined net weight of approximately 122.95 kilograms (270.49 pounds).